

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RONALD C. DILEO,

Plaintiff,

-against-

AMERICAN EXPRESS COMPANY,

Defendant.

Honorable Ronnie Abrams

12 CV 7150

**NOTICE OF MOTION TO DISMISS
PLAINTIFF'S AMENDED COMPLAINT**

PLEASE TAKE NOTICE THAT, upon the annexed Declaration of Jean Y. Park, Esq., sworn to on November 27, 2012, the accompanying Declaration of Jason K. Brown, Esq., sworn to on November 27, 2012, and the accompanying Memorandum of Law, dated November 27, 2012, Defendant, American Express Travel Related Services Company, Inc., erroneously designated "American Express Company" ("American Express" or the "Company"), by and through its attorneys, Kelley Drye & Warren LLP, will move this Court, before the Honorable Ronnie Abrams, U.S.D.J., in Courtroom 9B, at the U.S. Courthouse for the Southern District of New York, 500 Pearl Street, New York, NY, 10007, on a date and at a time designated by the Court, for an Order, granting its Motion to Dismiss Plaintiff's Amended Complaint pursuant to 12(b)(6) of the Federal Rules of Civil Procedure on the grounds that Plaintiff's claims of breach of contract, negligent misrepresentation, fraud in the inducement, promissory estoppel and unjust enrichment fail to state viable causes of action.

PLEASE TAKE FURTHER NOTICE THAT, in accordance with the Court's Individual Rules of Practice in Civil Cases, Defendant, by and through undersigned counsel, conferred with Plaintiff's counsel on November 16, 2012 in an attempt to resolve the matters raised in this Motion to Dismiss. This attempt was unsuccessful.

Dated: New York, New York
November 27, 2012

KELLEY DRYE & WARREN LLP

By: 
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